SBCivil Writ Petition No.4631/2006

Laxman
Vs.
Addl.Chief Engineer, Irrigation Deptt.Udaipur & Ors.

Date of Order :: 28th August, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Anil Kavi Raj, for the petitioner.

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By this petition for writ a challenge is given to the award dated 25.4.2006 passed by Labour Court, Udaipur in Labour Case No.28/2001. By the award impugned the Labour Court held that there was no illegality in terminating the petitioner workman from service w.e.f. 30.11.1988. Learned Labour Court held that there was no justification for raising the industrial dispute after a lapse of 12 years.

While giving challenge to the award impugned it is contended by learned counsel for the petitioner that learned Labour Court erroneously reached at the conclusion that while effecting retrenchment of the petitioner workman provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as “the Act of 1947”) were adhered and also that the Act of 1947 nowhere prescribes any limitation for raising an industrial dispute, therefore, the Labour Court erred while holding that there was no valid reason for raising industrial dispute after a lapse of 12 years.

Heard counsel for the petitioner and examined the award impugned.

Learned Labour Court after considering the entire evidence available on record reached at the conclusion that before effecting retrenchment requisite compensation and one month advance notice was given to the petitioner workman but the same was not accepted by him, as such sufficient compliance of the provisions of Section 25-F of the Act of 1947 was made by the respondents before effecting retrenchment of the petitioner workman. Such finding of fact is not required to be interfered under Article 226 of the Constitution of India, if same is not perverse. The finding given by the Labour Court is based on the evidence available on record and by its proper appreciation. Counsel for the petitioner failed to point out anything on basis of which the finding given by learned Labour Court can be said to be contrary to the evidence available on record.

I also do not find any illegality in the finding given by learned Labour Court that there is no just and valid reason available with the petitioner workman for raising an industrial dispute after a lapse of 12 years. It is true that the Act of 1947 nowhere prescribes any limitation for raising an industrial dispute but there should always be a

sufficient reason to meet the delay in raising a dispute. In the instant matter no such reason is given by the workman. In the circumstances no interference by this Court is warranted in its extra ordinary jurisdiction in present matter.

Accordingly, this petition for writ is dismissed.

(GOVIND MATHUR),J.

kkm/ps.